

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANABY RENTALS, INC.,

Plaintiff,

-v-

MT. HAWLEY INSURANCE COMPANY,

Defendant.  
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24 Civ. 3481 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

This action was transferred to this District on or about May 6, 2024. Dkts. 10, 11. In the Complaint filed in the Southern District of Texas on March 12, 2024, Plaintiff invoked a federal court’s subject matter jurisdiction on the ground of diversity of citizenship under 28 U.S.C. § 1332. Dkt. 1 (“Complaint”) ¶ 3. While the Complaint makes the conclusory claim that “[a]ll parties to this civil action are citizens of different states,” *id.*, it fails to allege the diversity of the parties. Plaintiff alleges that it is “a Texas a corporation doing business in the State of Texas with its principal place of business in Hidalgo County, Texas.” *Id.* ¶ 1. And Plaintiff alleges that Defendant is a corporation “doing business in the State of Texas which may be served through its registered agent for service of process in the State of Texas, Corporation Service Company.” *Id.* ¶ 2.


“For jurisdictional purposes, a corporation is deemed to be a citizen both of the state in which it has been incorporated and the state in which it has its principal place of business.” *MinedMap, Inc. v. Northway Mining, LLC*, No. 21-1480, 2022 WL 570082, at \*2 (2d Cir. Feb. 25, 2022) (internal quotation marks omitted). “Diversity jurisdiction is unavailable when a complaint fails to allege both a corporation’s state of incorporation and its principal place of business.” *Id.* Here, the Complaint alleges neither with respect to Defendant. And to the extent the Complaint

alleges any activities of Defendant, those activities are alleged to have occurred in the same state that Plaintiff is alleged to be a citizen.

Accordingly, it is hereby ordered that by May 14, 2024, Plaintiff shall amend its Complaint to properly allege Defendant's citizenship and, if appropriate, diversity jurisdiction. If Plaintiff fails to amend the Complaint by that date, or otherwise properly establish this Court's jurisdiction pursuant to 28 U.S.C. § 1332(a), the Court may dismiss this action for lack of subject matter jurisdiction without further notice.

SO ORDERED.

Dated: May 7, 2024  
New York, New York



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JOHN P. CRONAN  
United States District Judge